



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: USHIO=2

In re Application of:) Art Unit: 1648
)
USHIO et al.) Examiner: Zachariah Lucas
)
Appln. No.: 09/716,356) Washington, D.C.
)
Filed: November 21, 2000) March 24, 2003
)
For: INTERFERON- γ INDUCING)
POLYPEPTIDE, PHARMACEUTICAL) Confirmation No. 8174
COMPOSITION THEREOF,)
MONOCLONAL ANTIBODY THERETO,)
AND METHODS OF USE)

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TERMINAL DISCLAIMER

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

KABUSHIKI KAISHA HAYASHIBARA SEIBUTSU KAGAKU
KENKYUJO, a corporation of the Country of Japan, having a
principal place of business at 2-3, 1-chome, Shimoishii,
Okayama-shi, Okayama, Japan, (hereinafter referred to as
"Assignee"), is the owner of 100% of the entire right, title
and interest in the above-identified application and any patent
to be granted thereon. Assignee, through its undersigned agent
of record, hereby disclaims the terminal part of any patent
granted on the above-identified application which would extend
beyond the expiration date of the full statutory term of any of..
U.S. Patent Nos. 6,214,584; 6,441,138; 6,403,079; and

6,207,641, plus any extension thereof which may be subsequently granted, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent Nos. 6,214,584; 6,441,138; 6,403,079; and 6,207,641, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns. Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any of U.S. Patent Nos. 6,214,584; 6,441,138; 6,403,079; and 6,207,641 in the event that any of said patents later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(1), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above. This terminal disclaimer is being made without waiver of petitioner's rights under 35 U.S.C. §156, or elsewhere, which may be available to extend the term of any patent granted on the above-identified application beyond the date set by this terminal disclaimer (37 C.F.R. §1.775(a)).

It is Assignee's intent that the amount of time disclaimed and the scope of the common ownership clause be the minimum required by law and this document is to be construed to effectuate said intent. No admission is made that any claim of the above-identified application is obvious over any claim of U.S. Patent Nos. 6,214,584; 6,441,138; 6,403,079; and 6,207,641.

The statutory disclaimer fee of \$110.00 per 37 C.F.R. §1.20(d) is attached.

Respectfully submitted,

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By



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